

REMARKS

The claims have been amended by changing claim 20. Claims 20-24 remain in the application.

Reconsideration of this application is respectfully requested.

Claim 20 has been changed by deleting the phrase “with respect to which the brokering agent is an independent business”.

Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Van den Heuval et al., U.S. patent No. 5,307,359, in view of Noreen et al., US Patent Application Publication No. 2002/0183059.

The examiner states that the subscriber unit in Van den Heuval “[uses] the communication information to communicate to the brokering agent the identity of the particular wireless service”, referring to Van den Heuvel column 4, lines 9-22. Evidently, the examiner is equating the “bulletin board controller” of Van den Heuval to applicants’ brokering agent. But applicants’ antecedent basis for “the communication information” in the phrase quoted by the examiner from applicants’ claim 20 is to “communication information necessary for the subscriber unit to automatically communicate with [the] brokering agent” (applicants’ claim 20), which is “[obtained] over a broadcast RF subcarrier of a commercial FM broadcast station” (applicants’ claim 20). Van den Heuval describes that the communication to the bulletin board controller is based on “a bulletin board inbound resource that is associated with the bulletin board outbound resource (this could be accomplished, for example, by paired frequencies, dedicated time slots in a single channel system, or with a simpler contention based single channel resource)”. Van den Heuval makes no description of the communication information necessary for the subscriber unit to automatically communicate with the brokering agent being obtained over the broadcast RF signal.

Thus, not all elements of applicants claim are described by Van den Heuval, nor by Noreen, nor by any combination of Van den Heuval, Noreen, or the other cited art.

Therefore, applicants believe that claim 20 is patentable over the art cited and that claims 21-24 are also patentable, being dependent upon claim 20.

Applicant notes that any amendments or claim cancellations made herein and not substantively discussed above are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such amendments or cancellations not substantively discussed. Furthermore, any remarks made herein with respect to a given claim or amendment are intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Applicant specifically reserves the right to prosecute claims of differing and broader scope than those presented herein, in a continuation application.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 502117.

Respectfully submitted,

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